

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

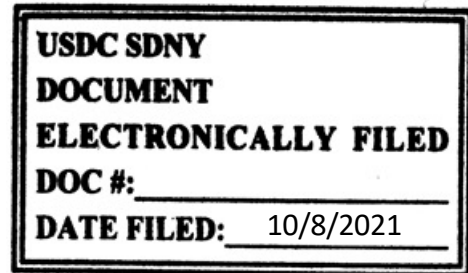
Rohan Ramchandani,

Plaintiff,

-against-

CitiBank National Association et al.,

Defendants.



1:19-cv-09124 (VM) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Following a telephone conference with the parties on October 7, 2021, for the reasons set forth below, as well as the reasons stated on the record, the Court hereby ORDERS, as follows:

1. No later than Monday, November 8, 2021, Defendants shall produce to Plaintiff all the material they produced to the United States Department of Justice ("DOJ") in connection with DOJ's FX spot market-related investigation of Defendants.
 - a. The Court finds this material relevant and proportional to the needs of the case, particularly in light of the fact that such material has been prepared for production previously.
 - b. The Court finds appropriate Defendants' production of all such material—as opposed to merely that portion of such material specifically concerning Plaintiff—both because the balance of such material may assist in putting documents concerning Plaintiff in context, and because such material's treatment, or lack thereof, of other alleged wrongdoing employees of Defendants is probative of elements of Plaintiff's claim, including malice.

- c. To the extent Defendants have confidentiality concerns with respect to any such material, these may be addressed through a protective order, including through the use, as appropriate, of an attorney's-eyes-only provision therein.
2. The parties shall meet and confer with regard to the remainder of the discovery disputes discussed during the October 7 conference, including regarding the scope and parameters for discovery of ESI such as custodial emails and Defendants' communications with regulators in connection with their FX spot market-related investigations.
3. No later than Wednesday, November 24, 2021, the parties shall file a joint letter setting forth the status of discovery, as well as a proposed schedule for the completion of discovery. In the interim, until a new deadline is fixed by the Court after consideration of the parties' proposal(s), the deadline for completion of discovery is extended until Friday, December 31, 2021.
4. The Court has completed *in camera* review of the grand jury testimony provided to it yesterday by DOJ that is responsive to Defendants' request pursuant to Rule 6(e)(3)(E)(i) of the Federal Rules of Criminal Procedure. (See Defs.' 9/21/21 Ltr., ECF No. 33.) The Court finds that Defendants' request meets the applicable *Douglas Oil* standard, and that disclosure is appropriate. See *Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 222 (1979).
 - a. No later than Tuesday, October 12, 2021, Defendants shall serve a copy of this Order on DOJ.

- b. No later than Friday, October 15, 2021, DOJ shall deliver a copy of the subject grand jury testimony to the parties' respective counsel, and shall otherwise respond to Defendants' requests, as appropriate.
- c. The subject grand jury testimony shall be treated as attorney's eyes only unless and until otherwise ordered by the Court. Any application to the Court for a different confidentiality designation for all or part of the grand jury testimony shall set forth DOJ's position on the application.

The Clerk of Court is respectfully requested to cancel the gavel at ECF No. 39.

SO ORDERED.

Dated: New York, New York
October 8, 2021



STEWART D. AARON
United States Magistrate Judge